

03-28-01

CPA/1619\$



Patent
Attorney Docket: 246/221

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APR 03 2001

TECH CENTER 1600/2900

Attorney Docket No.: 246/221
First Named Inventor: HAHN, Gary S.
Prior Application Information:
Serial No.: 09/400,757
Examiner: Harrison, R.
Art Unit: 1619

#11
HKO
4-1001

BOX CPA
Commissioner for Patents
Washington, D.C. 20231

CONTINUED PROSECUTION APPLICATION (CPA) UNDER 37 CFR § 1.53(D)

This is a Request for filing a ☒ Continuation or ☐ Divisional Application, under 37 CFR § 1.53(d) (Continued Prosecution Application (CPA)) of prior application Serial No. 09/400,757 filed on 9/21/99 entitled FORMULATIONS AND METHODS FOR REDUCING SKIN IRRITATION by HAHN, Gary S. et al, which remains the same for this Continuing Application.

The above-identified application in which no payment of Issue Fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this request for a CPA. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☐ Enter the Amendment After Final under 37 CFR § 1.116 previously filed on _____ but unentered, in the prior application.
2. ☐ A Preliminary Amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application. Pursuant to 37 CFR § 1.53(d)(4) please delete the following inventors named in the prior application:
4. ☐ A new Power of Attorney or Authorization of Agent is enclosed.
5. ☐ Information Disclosure Statement with PTO-1449; ☐ copy of citations.
6. ☒ Applicant claims small entity status pursuant to 37 CFR 1.27.
7. ☒ Request for extension of time to respond is being filed in the prior application to maintain copendency (a copy of which is attached herewith).

04/03/2001 6TEFFERA 00000148 122475 09400757

01 FC:231 355.00 CH

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

EL607740348US
Express Mail Label No.

March 27, 2001
Date of Deposit

Rowena R. Estrada
Name of Person Mailing Paper

Signature of Person Mailing Paper



Patent
Attorney Docket: 246/221

8. ☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

9. ☐ Also enclosed: _____.

The filing fees due in accordance with 37 CFR § 1.16 have been calculated as shown below:

BASIC FILING FEE:					\$710.00
Total Claims	-	20	=	0	x \$18.00 \$0.00
Independent Claims	-	3	=	0	x \$80.00 \$0.00
Multiple Dependent Claims	\$270	(if applicable)		<input type="checkbox"/>	\$0.00
TOTAL OF ABOVE CALCULATION					\$710.00
Reduction by ½ for Filing by Small Entity.				<input type="checkbox"/>	\$0.00
Other Fees (itemize)					\$0.00
TOTAL FEES DUE HERewith					\$710.00

- ☐ A check is enclosed in the amount of _____ is enclosed.
- ☐ Charge Lyon & Lyon's Deposit Account No. **12-2475** in the amount of _____.
- ☒ The Commissioner is authorized to charge Lyon & Lyon's Deposit Account No. **12-2475** for any fees required under 37 CFR §§ 1.17, 1.21 and 1.445 that are not covered, in whole or in part, by any amounts enclosed herewith and to credit any overpayments to said Deposit Account No. **12-2475**.

Please send all correspondence to Customer Number 22249:



22249

PATENT TRADEMARK OFFICE

LYON & LYON LLP
Suite 4700
633 W. Fifth Street
Los Angeles, CA 90071
(213) 489-1600

Please direct all telephone calls to **Paul H. Meier**.

Respectfully submitted,

LYON & LYON LLP

By: _____

Yasser M. El-Gamal
Reg. No. 45,339

Dated: March 27, 2001



PTO / SB/10 (1-99)
 Approved for use through 09/30/2000. OMB 051-0031
 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(d) & 1.27(c)) - SMALL BUSINESS CONCERN

Docket Number (Optional)
 246/221

Applicant, Patentee, or Identifier: HAMN, Gary S.

Application or Patent No.: 09/400,757

Filed or Issued: 9/21/99

Title: FORMULATIONS AND METHODS FOR REDUCING SKIN IRRITATION

I hereby state that I am

- ☐ The owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN COSMEDERM TECHNOLOGIES, LLC

ADDRESS OF SMALL BUSINESS CONCERN 4370 La Jolla Village Drive, Suite 960, San Diego, California 92122

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below.

- ☒ no such person, concern, or organization exists.
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Jacques Moutier

TITLE OF PERSON IF OTHER THAN OWNER Vice President, Operations

ADDRESS OF PERSON SIGNING 4370 La Jolla Village Drive, Suite 960, San Diego, California 92122

SIGNATURE J. Moutier

DATE 22 March 2001

RECEIVED
 APR 02 2001
 TECH CENTER 1600/2900